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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/590,922

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Saeed Shafiyen-Rad

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12/29/2004

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EXAMINER

NGUYEN, PHUNG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/590,922	Applicant(s) SHAFIYAN-RAD ET AL.	
	Examiner Phung T Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-11, 13-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997) in view of Schechtel et al. (U.S. Pat. 6,416,090).

Regarding claim 1: ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising a housing having a first side extending generally between second and third sides; and at least one elongated strip of substantially translucent material extending through the first side and at least the second sides so that part of the strip is visible at the first side and the at least one of the second and third sides (see P3 enlarged Figure, col. 1, paragraph 2, and col. 2, paragraph 2). ETS does not teach at least one retaining tab associated with the at least one elongated strip of substantially translucent material, the retaining tab secures the at least one elongated strip of substantially translucent material to the housing. However, using the retaining tab to secure the top housing member to the bottom housing member is old and well known in the art as taught by Schechtel et al. (fig. 1, col. 4, lines 35-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Schechtel et al. in the system of ETS in order to facilitate removal of the closure which is an advantage.

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Regarding claim 4: ETS discloses the claimed whereby the at least one elongated strip is visible along the first side, the second side, and the third side as seen in P3 enlarged Figure.

Regarding claim 5: ETS discloses the second and third sides are opposed sides of the housing, see P3 enlarged Figure.

Regarding claim 6: ETS discloses each of the at least two elongated strips extending through the first side and at least one of the second and third sides so that part of each the elongated strips is visible at the first side and the at least one of the second and third sides, a partition of a substantially opaque material separating the at least two elongated strips as shown in P3 enlarged Figure.

Regarding claim 7: ETS discloses including a different light source operatively associated with each of the at least two elongated strips as seen in P3 enlarged Figure, col. 1, paragraph 2.

Regarding claim 8: ETS discloses wherein each of the at least two elongated strips extends completely through the housing from the second side through to the third side and is exposed at the first side as shown in P3 enlarged Figure.

Regarding claim 9: Refer to claim 5 above.

Regarding claim 10: ETS discloses the at least elongated strip has an outer extent that substantially conforms to the contour of an adjacent outer sidewall portion of the housing as seen in P3 enlarged Figure.

Regarding claim 11: All the claimed subject matter is already discussed in respect to claims 1 and 6 above.

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Regarding claim 13: ETS discloses the claimed wherein the at least one elongated slot extend completely through the housing from the second side through to the third side, whereby translucent material is visible at the first side, the second side, and the third side as seen in P3 enlarged Figure. ETS does not specially teach providing an opening along the first side as claimed. However, as seen the enlarged figure, one skilled in the art would have clearly recognize that the elongated slots of the device of ETS do provide an opening along the first side so that one can easily change the light bulb in case it burned out in order to eliminate the need of special tools to open it.

Regarding claim 14: ETS discloses wherein the second and third sides are opposed sides of the housing as shown in P3 enlarged Figure.

Regarding claim 15: Refer to claim 6 above.

Regarding claim 16: Refer to claim 7 above.

Regarding claim 17: Refer to claim 13 above.

Regarding claim 18: Refer to claim 14 above.

Regarding claim 19: Refer to claim 10 above.

Regarding claim 20: All the claimed subject matter is already discussed in respect to claim 1 above.

Regarding claim 22: Refer to claim 16 above.

Regarding claim 23: ETS discloses the Utility Wiring Verifier/ AC Outlet tester (Model 256) comprising the visual indicators as seen in P3 enlarged Figure but does not specifically teach the at least one light source has an illuminated condition and non-illuminated condition, each condition being indicative of a condition of a monitored aspect of system coupled to the

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indicator apparatus, and where a plurality of light sources each indicate a condition of a different monitored aspect of the system as claimed. Since the indicator device of ETS will illuminate/non-illuminate based on the condition of an the wiring of an AC outlet, it would have been obvious to one of ordinary skill in the art to readily recognize that the indicator apparatus of ETS does have an illuminated condition and non-illuminated condition, each condition being indicative of a condition of the monitored aspect of system coupled to the indicator apparatus also in order to provide an indication of one or more corresponding operating condition of the device.

Regarding claim 24: Refer to claim 23 above.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (U.S. Pat. Des. 391,182) in view of Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997) and further in view of Schechtel et al. (U.S. Pat. 6,416,090).

Regarding claim 21: Schneider et al. disclose indicator for locating proximity sensors comprising a proximity sensor for sensing the proximity of an object; an indicator housing having an outer sidewall portion with a plurality of sides, and the light source being activated based on an operating condition of the proximity sensor system as shown in figures 1-7.

Schneider et al. do not teach at least one elongated strip of substantially translucent material extending through at least one side of the side wall portion through another side of the sidewall portion so that part of the strip is visible at the at least one side and the another side of the side wall portion. It is clear to see that the indicator in Schneider et al. is situated at the corner of the sensor housing which provides viewable indication from two sides viewing angles, see Figs 2 and 7. ETS also teaches a tester having three elongated strips substantially translucent material

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extending through one side of the sidewall through another side of the sidewall portion as seen in P3 enlarged Figure which provides three viewable sides. Since they both teach an indicator system which is visible from the at least two different sides, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the indicator of Schneider et al. with the illuminated strip with three viewing sides as taught by ETS in order to provide a more comprehensive indication scheme.

Schneider et al. and ETS do not teach a retaining apparatus that secures the at least one elongated strip of substantially translucent material to the housing and over the light source as claimed. However, using the retaining tab to secure the top housing member to the bottom housing member is old and well known in the art as taught by Schechtel et al. (fig. 1, col. 4, lines 35-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Schechtel et al. in the system of the combination in order to facilitate removal of the closure which is an advantage.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bietzer et al. [U.S. Pat. 5,975,320] disclose tamper-evident closure and container neck therefor.

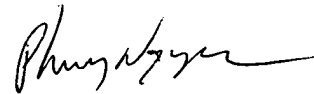
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a stylized, flowing script.

Date: December 22, 2004